MEETING OF THE COMMISSION OF FINE ARTS
5 April, 1977

AM
10:00 *CONVENE, 708 Jackson Place, N.W., Washington, D.C.*

ADMINISTRATION

A. Dates of next meetings: 26 April, 1977
24 May, 1977

B. Minutes of February 1977 meeting.

C. Resolution on David E. Finley, Chairman of the Commission of Fine Arts 1950-1963.

D. Corporation Counsel's Memo on Robert P. Dodge House - Report.

SUBMISSIONS-REVIEWS

A. Pennsylvania Avenue Development Corporation

Tree Lighting Demonstration - Inspection.

B. National Capital Planning Commission

"Boundary Markers of the District of Columbia - a Proposal for Their Preservation and Protection".

C. Smithsonian Institution, National Zoological Park

Great Ape House.

D. Federal Reserve System

Federal Reserve Board Headquarters Building, Enclosure of Podium Level.

E. National Park Service

White House Gates, South Entrance to West Executive Avenue.

F. General Services Administration

Washington Technical Institute, Phase II Development.

G. D.C. Department of Economic Development

Old Georgetown Act

1. OG 77-55, 1210-14 35th Street, N.W., Three Single-Family Dwellings - Resubmission.

2. OG 77-62, 3250 Grace Street, N.W., 102 New Townhouse Units and Renovation of Existing Office and Warehouse into Apartment House.

3. Appendix 1.

Shipstead-Luce Act

1. SL 77-22, 8175 East Beach Drive, N.W., New Single-Family Dwelling.

2. SL 77-30, 77-31, 410½ and 412 1st Street, S.E., Raze Existing Buildings.

3. SL 77-36, 77-37, 412 and 416 5th Street, N.W., Raze Existing Buildings.

4. SL 77-42, 1825 F Street, N.W., Multi-Story Office Building.

5. SL 77-44, 77-45, 410 and 412 1st Street, S.E., New Brick Facing and Utility Core Addition and New Brick Office Building - Resubmission.

6. SL 77-47 through 77-58, 102-112 Manchester Court, N.W. and 1614-1626 Manchester Lane, N.W., Twelve New Single-Family Dwellings.

7. Appendix 2.

H. D.C. Department of Housing and Community Development

Historic Subdivisions

Appendix 3.

LEGISLATION

A. S. 2, "To require authorizations of new budget authority for Government programs at least every five years, to provide for review of Government programs every five years, and for other purposes."

5 April, 1977

B. H.R. 2960, "To authorize the Secretary of the Interior to erect a memorial in honor of the fifty-six signers of the Declaration of Independence in Constitution Gardens in the District of Columbia."

REPORT OF ACTIONS TAKEN ON THE OLD GEORGETOWN ACT

5 April, 1977

NO.	ADDRESS AND OWNER	PROJECT
OG 77-58	1623 Wisconsin Avenue, N.W. Robert Wolpe	Raze existing structure and construct new building similar in design (resubmission refer to OG 77-45).

ACTION: Do not issue permit. Recommend against demolition of facade facing Wisconsin Avenue. No specific objection to razing remainder of the structure nor to new construction. Any new fenestration or door trim should be based on specific examples along Wisconsin Avenue. Commission, Georgetown Board, and staff will be able to assist with selection of proper detailing. 3/1/77

59	3122 N Street, N.W. Milton Schneiderman	Make general interior repairs. Replace old double-hung windows with casements to match existing casements at rear. Build new lattice screen at street, set-back addition above garage, and at rear three-story addition.

ACTION: Issue permit. Recommend lattice treatment on front. 3/4/77

60	2514 East Place, N.W. Gordon Ewing	New rear addition, 14'8" deep.

ACTION: Issue permit. 3/4/77

61	1055 Thomas Jefferson Street, N.W. Georgetown Inland Corporation	Addition of flagpoles.

ACTION: Issue permit. 3/4/77

63	1623 Wisconsin Avenue, N.W. Robert Wolpe	Raze existing masonry walls with the exception of front wall. Restore front wall and construct new masonry walls to enclose building (resubmission refer to OG 77-58).

ACTION: No objection to concept of retaining front wall of structure and building new space behind. Recommend additional study of window and door details for first floor and basement. Bay window design as presented not recommended. Suggest treatment like similar installations nearby. Submit designs of all elevations and material samples. Recommend coordination of landscaping, lighting, and signs at the earliest possible time. 3/4/77

64	1802 35th Street, N.W. Richard P. Eakin	Install bay window to front of house, aluminum siding and shutters - all windows to remain 6-over-6.

ACTION: Issue permit for new siding. Do not issue permit for bay window. 3/4/77

REPORT OF ACTIONS TAKEN ON THE OLD GEORGETOWN ACT

5 April, 1977

NO.	ADDRESS AND OWNER	PROJECT
OG 77-65	2934 M Street, N.W. Mekong Corporation	Awning over front windows/doors (resubmission refer to OG 77-38).
ACTION:	Do not issue permit. Recommend against any awnings on this facade because of the high quality of the facade and the fact that the building faces north. Covering or obliterating architectural details with awning would not be in the best interest of this particular building. 3/4/77	
66	1420 Wisconsin Avenue, N.W. Pants Corral	One double-faced wood painted sign (resubmission refer to OG 77-57).
ACTION:	Issue permit. 3/16/77	
67	3241 Prospect Street, N.W. David A. Morse	Enlarge existing gate.
ACTION:	Do not issue permit. No objection to removal of existing gate and wall. Recommend brick or brick-colored caps on posts. If gate is to permit parking it should be designed to screen parked vehicles from the sidewalk. 3/16/77	
68	1323-25 Wisconsin Avenue, N.W. La Strega III	Awning over front entrance (resubmission refer to OG 77-34).
ACTION:	Issue permit. 3/16/77	
69	1414 30th Street, N.W. Jerry C. Pritchett	Kitchen renovation, revisions to rear exterior wall.
ACTION:	Issue permit. 3/16/77	
70	1513 Wisconsin Avenue, N.W. Cornelia Wickens	Remove existing show window and doors, replace with paned windows and doors; remove awning; add two signs.
ACTION:	Issue permit. Recommend that planting box be free-standing and not attached to facade. 3/16/77	
71	1225 Wisconsin Avenue, N.W. Mr. Henry's/Laurence Samuel	Add 14' x 30' wooden deck and 6' stockade fence on three sides.
ACTION:	Issue permit. Recommend that finished side of fence face public space and that the area between the deck and the ground be screened. 3/16/77	

REPORT OF ACTIONS TAKEN ON THE OLD GEORGETOWN ACT

5 April, 1977

NO.	ADDRESS AND OWNER	PROJECT
OG 77-72	3316 M Street, N.W. Jagdish K. Katyal	Addition and alteration to building.

ACTION: Do not issue permit. Proposal to obliterate existing Victorian character is inappropriate. Recommend against changing any existing trim, cornices, or woodwork, and changing masonry openings. Recommend restudy retaining maximum amount of facade and limiting any proposed changes to those areas between existing columns now dividing show windows and doors. 3/30/77

73	3415 O Street, N.W. Juan M. Cameron	Addition to single family dwelling.

ACTION: Issue permit. Recommend that brickwork, colors, and trim match existing as closely as possible. 3/30/77

74	2900 M Street, N.W. Pierre Ganoux	Replace double wood doors with two glass doors using bronze frame and clear glass. Replace window and door with three equal-sized openings, brick arches to match existing arches; also with clear glass and bronze frame.

ACTION: Do not issue permit. No objection to proposed glass doors. Recommend glazing the two other openings without alteration of masonry. 3/30/77

75	3330 Reservoir Road, N.W. Javier Sagarminaga	Add brick dining room addition to rear of building.

ACTION: Issue permit. No objection to proposal because of limited visibility. Suggest addition be apinted same color as house. 3/30/77

76	3421 Prospect Street, N.W. David A. Morse	Erect fence (resubmission refer to OG 77-67).

ACTION: Issue permit. 3/30/77

77	1101 30th Street, N.W. National Rural Utilities Cooperative Finance Corporation	Erect construction sign.

ACTION: Issue permit. 3/30/77

REPORT OF ACTIONS TAKEN ON THE SHIPSTEAD-LUCE ACT

5 April, 1977

NO.	ADDRESS AND OWNER	PROJECT
SL 77-28	2710 Brandywine Street, N.W. Mr. & Mrs. Walter Schafer	New single-family residence.
ACTION:	Issue permit. 3/4/77	
32	2237 Q Street, N.W. Norman Tolkan	Enclose porch at rear of house. Resurface kitchen wall to match.
ACTION:	Issue permit. 3/4/77	
33	412 I Street, N.W. Peter G. Roushakes	Raze existing building.
ACTION:	Issue permit. 3/4/77	
34	1345 E Street, N.W. unknown	16' x 24" sign.
ACTION:	Do not issue permit. Sign does not comply with D.C. Regulations. Sign for location as important as Pennsylvania Avenue should be submitted in detail to show trim on edge of plywood, exact letter style, etc. Sign should be limited to name of business only. 3/4/77	
35	815 Connecticut Avenue, N.W. Paine Webber	One set of individual non-lighted letters attached flat against fascia.
ACTION:	Issue permit. 4/1/77	
38	718 15th Street, N.W. American Security Bank	Install new sign; create new entrance from Pennsylvania Avenue (resubmission refer to SL 77-26).
ACTION:	Issue permit. 4/1/77	
39	229 Pennsylvania Avenue, S.E. American Security Bank	Remove existing show window, install new flush plate glass window and sign.
ACTION:	Issue permit. 4/1/77	
40	229 Pennsylvania Avenue, S.E. MPB Associates	Install standard D.C. firescape on rear of building.
ACTION:	Issue permit. 4/1/77	

REPORT OF ACTIONS TAKEN ON THE SHIPSTEAD-LUCE ACT

5 April, 1977

NO.	ADDRESS AND OWNER	PROJECT
SL 77-41	501 13th Street, N.W. Warner Brothers	Erect awning.
ACTION:	Do not issue permit. Awning over public space not recommended in this location. 4/1/77	
43	900 Water Street, S.W. Flagship Restaurant	Entrance canopy.
ACTION:	Issue permit. 4/1/77	

REPORT OF ACTIONS TAKEN ON HISTORIC SUBDIVISION APPLICATIONS

5 April, 1977

NO.	SQUARE, LOT, ADDRESS AND OWNER	DESCRIPTION
HS 77-31	Square 1195, Lot 814 2824 Pennsylvania Avenue, N.W. Howard Wilcox	Conversion of Assessment and Taxation Lot 814 into a record lot.
ACTION:	No objection. 4/1/77	

MINUTES OF THE MEETING OF THE COMMISSION OF FINE ARTS
5 April, 1977

The meeting convened at 10:00 a.m. in the Commission of Fine Arts offices at 708 Jackson Place, N.W., Washington, D.C.

Members Present:	*Hon. J. Carter Brown, Chairman* *Hon. Philip W. Buchen* *Hon. Victorine du Pont Homsey* *Hon. Eli S. Jacobs* *Hon. Frederick D. Nichols* *Hon. Kevin Roche* *Hon. Edward D. Stone, Jr.*
Staff Present:	*Mr. Charles H. Atherton, Secretary* *Mr. Donald B. Myer, Assistant Secretary* *Miss Lynda L. Brown* *Miss Nancy H. Noyes*
National Capital Planning Commission Staff Present:	*Mr. Robert Gresham* *Mr. Martin Rody*

I. ADMINISTRATION

A. Dates of next meetings were set at 26 April, 1977, with lunch at the American Institute of Architects Headquarters, and 24 May, 1977, with lunch probably at the Cosmos Club with Georgetown Advisory Neighborhood Commission, also evening lighting inspection for the Pennsylvania Avenue Development Corporation, 9:00 p.m. on Monday, May 23.

B. Minutes for meeting of February 1977, approved.

C. Resolution on David E. Finley, Chairman of the Commission of Fine Arts 1950-1963. The Secretary noted the recent death of Mr. Finley and his long association with the Commission of Fine Arts and the city of Washington. The Chairman asked that a statement on Mr. Finley's contribution to the Commission be included in the minutes and that his widow be so informed. The members unanimously concurred. *EXHIBIT A*

D. Corporation Counsel's Memo on the Robert P. Dodge House, 28th and Q Streets, N.W., in Georgetown. The Secretary showed the members copies of the order signed by Mayor Washington and a memo from Corporation Counsel Risher rejecting the Commission of Fine Arts' advice to deny building permits for two proposed new townhouses to be built in the rear garden of the Dodge House. After some dis-

cussion on the subjective nature of the decision on whether or not the garden had been part of the original garden design, or house setting, the members expressed their unanimous regret that the city had decided to issue building permits. The Secretary indicated that he had written to the city government formally requesting the opportunity to review final designs if construction were to be permitted. This request had been denied. The Chairman suggested that a letter be drafted to the Corporation Counsel expressing the Commission's disappointment in the decision to allow the houses, but commending the statement that the Commission had a perfect right to recommend against any new construction on this site. EXHIBIT B

II. SUBMISSIONS-REVIEWS

A. Pennsylvania Avenue Development Corporation

Tree Lighting Demonstration at River Park Apartments, 1301 Delaware Avenue, S.W., at 7:30 p.m., April 4, 1977. The Chairman reported that he and the Secretary had visited the demonstration of tree up-lighting on the previous, rainy evening. He stated that the up-light into the yet unfoliated trees resulted in little or no sidewalk or general lighting. He said that such a technique may well be attractive or ornamental, but did not seem to be a satisfactory lighting source for a major avenue. The Secretary concurred, adding that a demonstration in the month of May would show the tree lighting with leaves and additional fixtures as proposed for Pennsylvania Avenue. It was agreed that the Commission would all attend this demonstration in the spirit of taking a specific action on the proposals of the Pennsylvania Avenue Development Corporation as presented during the Commission's February meeting. EXHIBIT C

B. National Capital Planning Commission

"Boundary Markers of the District of Columbia - a Proposal for their Preservation and Protection". The Assistant Secretary said that at the time the city was designated in the late 18th century as a ten-mile square, 40 boundary markers were set to show the limits of the National Capital. The Planning Commission had recommended special treatment of the remaining 38 stones with the possible creation of parks, etc. The Assistant Secretary then presented Mr. Martin Rody of the National Capital Planning Commission staff who described specific recommendations for establishing a maintenance program, easements to those stones on private property, and small parks at the four cornerstone locations. He also stated that the markers were really Washington's oldest monuments, giving them an added significance. The Commission unanimously approved the report with Mr. Buchen noting the significance of the Jones Point Lighthouse located next to one of the cornerstones. EXHIBIT D

C. Smithsonian Institution, National Zoological Park

Great Ape House. The Secretary presented a model and a number of drawings of the proposal to the Commission stating that the location and use of the Ape House were consistent with the Zoo Master Plan. He further stated that the general character and concrete material were consistent with some of the new construction at the Zoo. Messers Wilkes and Faulkner, the architects, described the project in greater detail, indicating the exterior grades and efforts to blend the building into its setting. Mr. Stone said he hoped that the architects would make every effort to preserve the existing trees adjacent to the building during construction. The architects said that was their intention. The Commission unanimously approved the project. EXHIBIT E

D. Federal Reserve System

Federal Reserve Headquarters Building (Martin Building), Virginia Avenue and 21st Street, N.W., Enclosure of Podium Level. The Assistant Secretary showed photographs, drawings, and a slide of the proposal to encase the lowest level of this monumental structure with a glass curtain wall to provide additional office space in the plaza area. The Chairman said that the building was rather successful because of its mass suspended above the ground on columns, its landscape and fountain. Mr. Roche said that there could be no control over interior divisions, furnishings, and lighting which would result in a satisfactory solution. The Assistant Secretary indicated that the Reserve Board was seeking the Commission's preliminary advice, without detailed designs. The Commission took the opportunity to recommend against the entire proposition and unanimously disapproved the idea. EXHIBIT F

E. National Park Service

White House Gates, South Entrance to West Executive Avenue. The Secretary presented drawings of a new entrance gate to the south end of West Executive Avenue which matched in design and construction other recently installed gates to the White House compound. The members were pleased that a more attractive treatment of this highly visible access point was proposed and unanimously approved the new gates. They felt, however, that more screening of the parking area was required, especially as this gate serves as the major diplomatic entrance to the White House, and recommended heavier planting. Mr. Roche suggested that perhaps the gates could be filled with frosted glass or plastic to further reduce visibility of the parking area from the outside. The members concurred with this suggestion.

EXHIBIT G

F. General Services Administration

Washington Technical Institute, Phase II Development. The Assistant Secretary presented a number of drawings and perspective sketches of the WTI campus which the Commission had reviewed several months previously. At that time the Commission had approved changes and improvements to the original master plan on the basis of a model and inspection of the completed structures. Mr. Bryant, the architect, described the phasing of the project and the expected progress in the near future. He also indicated that there had been budget problems and that some of the original materials might have to be substituted. Mrs. Homsey in particular cautioned against some of the "new" paving materials intended to simulate brick and so forth. The Chairman stated the Commission's hope that any new materials would be submitted to the Commission prior to a shift. Mr. Bryant indicated that that could be done. The Commission's unanimous approval of the project was subject to material sample approval, preferred with on-site mockups. Mr. Stone asked about the size of an internal court in the project. Finding it over 100 feet in each direction without planting relief, he stated his hope that something could go in the space. Mr. Bryant indicated that "garden furniture" would be placed in the area and that this would include movable planters, benches, etc. EXHIBIT H

G. D.C. Department of Economic Development

Old Georgetown Act

1. OG 77-55, 1210-14 35th Street, N.W., Three Single-Family Dwellings - Resubmission. The Assistant Secretary showed a sketch site plan for three houses as the Secretary reviewed the history of subdivision of the lower part of the historic Prospect House garden over the past few years. They told of efforts to reduce mass of any new construction on this site, limit the number of curb cuts and limit any interference with the vista from the main house to the Potomac River. The Secretary told of a previous scheme by a different developer to build five new houses, each with a front garage. This had now been replaced by a scheme to build three houses with a common auto-entrance court. The Assistant Secretary reported that the scheme had received preliminary approval from the Georgetown Board and that one member of the board, Ms. Anne Vytlacil, was present. Ms. Vytlacil told of repeated efforts to minimize development on the site and the board's satisfaction with the present scheme as solving most adverse environment problems in relation to the steep 35th Street hill and the historic Prospect House. She indicated that the Board expected to see design development drawings giving the horizontal relationship between existing construction and the new houses prior to final approval. The Commission unanimously approved the preliminary site plan subject to approval of design development drawings.

2. OG 77-62, 3250 Grace Street, N.W., 102 New Townhouses and Renovation of Existing Office and Warehouse into Apartment House. The Assistant Secretary reported that part of the project involved demolition of several small 20th century structures on the site, and that the Georgetown Board had no objection since the large 19th century structures would be retained and renovated. These he illustrated with photographs. The Commission unanimously concurred with the recommendation to issue the razing permit.

The Assistant Secretary described the proposed project as a blending of existing and new structures. This included the old Paper Mill buildings, which would become apartments, and a number of brick townhouses to be constructed on top of a multi-deck parking structure. He indicated that the Georgetown Board had enthusiastically approved the concept with hopes that design development would bring the location of the townhouses in closer contact with the alignment and character of the tiny Cherry Hill townhouses adjacent to the project. The Board had expressed their hope that the masonry openings on the old buildings would be retained and that the architectural style of the project would be unified and not varied as indicated in some preliminary drawings.

Ms. Anne Vytlacil represented the Board and showed the Commission the project model indicating the questions of alignment with adjacent construction and the scale similarities between the proposed houses and the Cherry Hill houses. The architect, Mr. Elliott Gitlin, and the developers, Messers Lyons and Holland, said that they had revised their site plan after the most recent meeting with the board to take their suggestions into account. The Commission unanimously approved the preliminary scheme and asked to review the design development drawings prior to the working drawing phase.

3. Appendix 1, approved.

Shipstead-Luce Act

1. SL 77-22, 8175 East Beach Drive, N.W., New Single-Family Dwelling. The Secretary showed photographs, drawings, and a model of this proposed two-and-one-half floor contemporary residence to be built on a compact site adjacent to Rock Creek Park. The owner, Mr. Carter, and the architect, Mr. Bryant, described the project. The Commission unanimously approved the scheme after the applicants answered some questions about the drive and grade from Mr. Nichols.

2. SL 77-30, 410½ 1st Street, S.E., Raze Existing Two-Story Carry-Out Shop. The Assistant Secretary presented the architect, Mr. Robert Nash, who suggested that this small 19th century structure be eliminated to permit renovation of an adjacent building and construction of a new building on the next lot. The Commission

unaniomously rejected the application to raze, suggesting that the front part of the structure could be retained as part of the new project. Mr. Nash agreed to study the proposition. (See SL 77-31, SL 77-44, SL 77-45.)

3. SL 77-31, 412 1st Street, S.E., Raze Existing Two-Story Apartment Building. The Assistant Secretary presented photographs of the building and reminded the Commission of their site visit several months before. The members unanimously approved the razing.

4. SL 77-36, 412 5th Street, N.W., Raze Existing Office Building. The Assistant Secretary showed slides taken by himself and the Secretary during an inspection trip to the site, showing an interesting speculative office building built at the turn of the 20th century. With other slides the staff presented the master plan for Judiciary Square which had been previously approved. This plan called for removal of the buildings in question as well as all in their alignment to provide an added 40-foot width to the street setback along 5th Street and 3rd Street to provide a special setting for the historic Hadfield-designed Old City Hall and buildings of the D.C. Court System. Mrs. Kohler arrived at the meeting at this time, and as the staff member most qualified to speak to the history of the structure, did so. The Commission was unanimous in finding some of the features of the building very interesting architecturally, but decided to hold off their action until their next meeting on April 26, 1977 to permit the Joint Committee on Landmarks an opportunity to rule on the matter. No action was taken. (See also SL 77-37.)

5. SL 77-37, 416 5th Street, N.W., Raze Existing Office Office Building. As part of the deliberation on 412 5th Street Mrs. Kohler told the Commission that the building had been designed by a prominent Washington architect, James G. Hill, and built at the end of the 19th century. The Commission discussed this as well as the adjacent structure in terms of seeking the ruling of the Joint Committee on Landmarks prior to a final decision. The Commission was unanimous in not taking an action.

6. SL 77-42, 1825 F Street, N.W., Multi-Story Office Building. The Secretary presented plans and a model of a proposed new office building to be 90 feet in height, of brick, and a design with special concessions to an adjacent historic and architecturally significant old house with garden, known as the Marshall or Bacon House. A recessed garden court was set into a quadrant cut out of the new building facing the old house and its garden. The Commission questioned the exact relation of this element and its wall facing the street. Otherwise the members expressed their pleasure in the excellence of the design. They unanimously approved the preliminary design subject to material sample approval and design development details.

7. SL 77-44, 410 1st Street, S.E., Renovate and Face with Brick Existing Commercial Building for Use as an Office Building. The Assistant Secretary showed the Commission this resubmission relating how they had inspected the site and rejected an earlier scheme with a fake mansard roof that eliminated most existing architectural character from the building. The present scheme retained the existing cornice, fenestration pattern, and opened up a recently sealed first floor facade. The Commission expressed their unanimous approval to the architect, Mr. Robert Nash.

8. SL 77-45, 412 1st Street, S.E., Erect New Office Building. This simple new brick structure was designed to blend into the streetscape with a two-floor street frontage and simple rectangular openings as a background structure. The architect, Mr. Robert Nash, indicated that the structure would be part of the project mentioned above and would be involved in the demolition of an existing apartment structure, SL 77-31. The Commission unanimously approved the design.

9. SL 77-47 through 77-58, 102-112 Manchester Court, N.W. and 1614-1626 Manchester Lane, N.W., Twelve New Single-Family Dwellings. The Assistant Secretary presented a number of drawings, photographs, and a model of this proposed new cul-de-sac community. He indicated that the staff viewed the project as an extension of the existing neighborhood with a minimal impact on the adjacent Rock Creek Park. The designer, Mr. Robert Gray, and the developer, Mr. Michael Minkoff, described the variety of traditional houses. The Commission unanimously approved the design.

10. Appendix 2, approved.

H. D.C. Department of Housing and Community Development

Historic Subdivisions

Appendix 3, approved.

III. LEGISLATION

A. S. 2, "To require authorizations of new budget authority for Government programs at least every five years, to provide for review of Government programs every five years, and for other purposes." The Secretary described the bill as having no effect on the operations of the Commission, but fulfilling the concept of "sunset" legislation to help terminate no longer needed advisory committees and agencies. The Commission unanimously recommended the legislation. EXHIBIT I

B. H.R. 2960, "To authorize the Secretary of the Interior to

erect a memorial in honor of the fifty-six signers of the Declaration of Independence in Constitution Gardens in the District of Columbia." The Secretary indicated that the Commission had informally concurred with the intent of the legislation previously. He said that the intent was to place a subtle marker on the island within the Constitution Gardens, the design of which would be approved by the Commission of Fine Arts. The Commission unanimously recommended the legislation.

EXHIBIT J

The Chairman adjourned the meeting at 1:20 p.m.

Signed,

Charles H. Atherton

Charles H. Atherton
Secretary

DAVID EDWARD FINLEY

David Edward Finley, fifth Chairman of the Commission of Fine Arts, died at the age of eighty-seven on the first of February, 1977, at his home in Georgetown. Thus ended a long life and a distinguished career, devoted at first to the practice of law and then to the fine arts: as an advisor to Andrew Mellon and later first directof of the National Gallery of Art, as a member and chairman of the Commission of Fine Arts, and as founder and first chairman of the National Trust for Historic Preservation.

Born in York, South Carolina in 1890, the son of David Edward and Elizabeth Gist Finley, David Finley came to Washington as a child when his father was elected to Congress. He received his undergraduate degree from the University of South Carolina, then returned to the Capital to earn his law degree from the George Washington University. After a brief period practicing law in Philadelphia and serving in the Signal Corps during World War I, he opened a law office in Washington. Subsequently he went to work for the Federal Government, first as assistant counsel at the War Finance Corporation, then as a member of the war loan staff at the Treasury Department. It was at this time that he became acquainted with Andrew Mellon, then Secretary. In 1927 he was appointed Mr. Mellon's special assistant, serving until 1932. During these years Andrew Mellon was overseeing the development of the Federal Triangle, a project which caught Mr. Finley's interest and continued to concern him throughout his career.

Mr. Mellon was appointed ambassador to England in 1932, and David Finley went with him to London as honorary counselor. It was during the period of the late twenties and early thirties that Mr. Mellon's art collection had grown in size and quality and he had begun to think of housing it in a National Gallery of Art which he would give to the American people. David Finley's interest in art grew through his association with Mr. Mellon; he began to assist him in acquiring numerous masterpieces and with his plans for the new gallery. When Andrew Mellon's gift was accepted by the Government in 1937, Mr. Finley was closely involved in every aspect of the planning and construction of the building. Years later he wrote a book entitled A Standard of Excellence, the National Gallery of Art in Washington, D.C., chronicling the events that led to the building of the Gallery and documenting its construction. He was appointed the Gallery's first director (1938-56) and was chiefly responsible for the acquisition of three major collections, those of Samuel Kress, Joseph Widener, and Chester Dale.

While he was director of the National Gallery Mr. Finley was appointed a member of the Commission of Fine Arts by President Roosevelt (1943). In 1950 he was elected its chairman and served until

1963, a period during which the Commission was under constant and often heavy pressure to meet the demands of automobile traffic and the need for more office and housing space in post World War II Washington. Frequently Mr. Finley wrote letters to Government officials expressing the Commission's disapproval of plans and projects which would be destructive of the plan of Washington, which he called "one of our greatest national treasures", one which "should be treated with the utmost respect". Proposals for the interchanges for the Theodore Roosevelt Bridge and for the extension of the Inner Loop Freeway through parklands on the Potomac were particularly disturbing. In 1959 the Commission of Fine Arts disavowed all responsibility for the disruption of the plan of the city if proposals for the bridge interchanges were carried out. Construction of a subway was constantly urged by the Commission, and in 1963, the last year of Mr. Finley's chairmanship, the Commission supported enactment of legislation to authorize it. In the same year Mr. Finley gave Commission support to an amendment to the Federal Highway Act which would exempt the metropolitan area of the city of Washington from the design criteria of the act which would be damaging to the plan, parks, and monuments of the Capital City. Later, the Commission protested against the destruction, nationally, of many historic buildings and sites by the Federal highway program.

One of Mr. Finley's very special concerns was the preservation of historic buildings. He was a member of the Commission of Fine Arts when legislation for the Old Georgetown Act was first discussed and became Chairman at the time it went into effect. One of his early tasks as Chairman was to develop the administrative procedures necessary to carry out the act.

It was largely due to Mr. Finley that Congressional legislation authorizing the destruction of the old Patent Office building was not passed in 1955. In a letter to the Chairman of the House Committee on Public Works Mr. Finley stated that the Commission of Fine Arts could not approve the demolition of this historic building. He said its destruction, "as a result of action taken by the Federal Government, would have a discouraging effect on the movement for the preservation of architectural and historical monuments in this country in which the Federal Government has taken such an important part." New legislation was introduced in 1958 authorizing the building to be used by the Smithsonian Institution to house the National Collection of Fine Arts and the National Portrait Gallery. It was supported enthusiastically by the Commission of Fine Arts.

Similarly, Mr. Finley was strongly opposed to the demolition of the historic townhouses on Lafayette Square when the proposal to place several large Government buildings on the east and west sides of the square was made in 1960. He noted that the area should have been zoned previously "so that it would have retained its residential

character with its many interesting and historic houses." President and Mrs. Kennedy were in agreement with Mr. Finley on this matter, and in the development of the final plans the old buildings were retained.

Outside his duties on the Commission of Fine Arts, Mr. Finley continued his preservation interests as founder and first chairman of the National Trust for Historic Preservation (1947-1962). He was also president of the American Association of Museums, vice president of the International Council of Museums, chairman of the United States National Commission on International Cooperation among Museums, vice chairman of the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, and chairman of the executive board of the National Council for Historic Sites and Buildings. Mr. Finley was a member of the Smithsonian Art Commission, which later became the National Collection of Fine Arts Commission, from 1938 until his death, and a member of the Association of Art Museum Directors. He served on the National Portrait Gallery Commission (1963-1977) and was a member of the board of the Corcoran Gallery of Art (1957-1977).

Mr. Finley was married to Margaret Morton Eustis, granddaughter of Vice President Levi P. Morton and great granddaughter of William Wilson Corcoran. They had two children.

EXHIBIT B

April 11, 1977

Dear John:

Thank you for your telephone call inquiring about the Commission's reaction to your memo to the Mayor, approved by him on March 16, 1977, regarding the Robert F. Dodge house at 28th and P Streets, N.W. in Georgetown. The Commission had an opportunity to discuss it at its regular meeting on March 26.

We are naturally disappointed that the District Government has decided to issue permits for construction of two new dwellings in the garden of the Dodge house. For reasons which we have described in the past, we feel this is a mistake, especially if it were to become a precedent for other historic open spaces in Georgetown. As you know, the Commission and its staff have done a great deal of research and are knowledgeable in this specific property and its history. Whether or not the gardens to the Dodge House were an original part of the design concept remains a matter of conjecture; in our view it seems overwhelmingly probably, given the adjoining land's ownership by the house-owner's brother, and its acquisition as soon as the cash flow demands of constructing the house itself had been met.

Although attorneys for the applicant submitted challenges to information we supplied in our initial recommendation, arguments to which you referred in your opinion, at no time was the Commission officially requested by the District Government to answer their arguments or supply additional information. In the future we would welcome the opportunity to participate more helpfully.

In a positive vein, we welcome your statement that the Commission of Fine Arts is correct in its interpretation of the Old Georgetown Act as including determinations of the quality of open space and the affirmation of the statutory role it plays in the preservation and protection of the historic values of Georgetown. We are also hopeful that the new subdivision review regulations of the District of Columbia will

enable the Commission of Fine Arts to review any new or proposed subdivisions for Georgetown and will help to eliminate the problems that arose in this case and will insure protection of property owners' rights as well as the preservation interests.

Sincerely,

J. Carter Brown
Chairman

Mr. John R. Risher, Jr.
Corporation Counsel
District of Columbia Government
District Building
14th and E Streets, N.W.
Washington, D.C. 20004

DM:CA:NH:JCB:hg

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL
DISTRICT BUILDING
WASHINGTON, D. C. 20004

IN REPLY REFER TO:

March 17, 1977

The Hon. J. Carter Brown
Chairman
Commission of Fine Arts
708 Jackson Place, N.W.
Washington, D.C. 20006

Dear Mr. Brown:

I have enclosed herewith a copy of my March 1, 1977, memorandum to the Mayor, as well as a copy of my memorandum of this date to the Director of the Department of Economic Development advising that the Mayor has decided not to accept the recommendation of your Commission with respect to the application to build single-family residential dwellings on the lots that adjoin the Dodge House. I convey to you and your fellow members of the Commission the Mayor's sincere appreciation for your efforts.

If I may be of further assistance, I remain confident that you will so inform me.

Sincerely yours,

John

JOHN R. RISHER, JR.
Corporation Counsel, D.C.

Enclosures

cc (w/encl.): Whayne Quin, Esq.
Harley Daniels, Esq.

Government of the District of Columbia
OFFICE OF THE CORPORATION COUNSEL
DISTRICT BUILDING
WASHINGTON, D. C. 20004

IN REPLY REFER TO

March 17, 1977

MEMORANDUM TO: James W. Hill
Director
Department of Economic Development

FROM: John R. Risher, Jr.
Corporation Counsel, D.C.

SUBJECT: Recommendation of the Commission of Fine Arts Pertaining to the Application to Construct Residential Premises on Lots Adjoining the Roger P. Dodge House (CCO #1439 & 1599)

I have attached hereto a copy of my memorandum of March 1, 1977, to the Mayor. You will note the signature of the Mayor appearing at page 11 of the memorandum evidencing his decision not to accept the recommendation of the Commission of Fine Arts.

JRR, Jr.

Attachment

Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL
DISTRICT BUILDING
WASHINGTON, D. C. 20004

IN REPLY REFER TO:

MAR 1 1977

MEMORANDUM TO: Walter E. Washington
Mayor

FROM: John R. Risher, Jr.
Corporation Counsel, D.C.

SUBJECT: Recommendation of the Commission of Fine Arts Pertaining to the Application to Construct Residential Premises on Lots Adjoining the Roger P. Dodge House (CCO #1439 & 1599)

This is in response to your request for my comments respecting the recommendation by the National Commission of Fine Arts that you deny the pending application to construct a single-family residential dwelling on each of the two vacant lots adjoining the Robert P. Dodge House, 1531 - 28th Street, N.W. The Commission's recommendation is predicated, in part, on its view that the "Old Georgetown Act," Act of September 22, 1950, 64 Stat. 903, D.C. Code §5-801, et seq., authorizes you to deny a permit, so as thereby to preclude the construction of any structure on either lot, if you conclude that the rationale for the Commission's recommendation that no new structure be permitted is persuasive.

The applicants for the permit dispute the Commission's construction of the Act. They contend that the Commission's advisory role is limited to recommendations as to what may be required with respect to the physical features of new structures, but that the Act does not contemplate a recommendation against any and all structures. The applicants further contend that the Act does not authorize you to prohibit the construction of any structure,

whatsoever, and argue that the exercise of such a presumed authority would constitute an unconstitutional deprivation of property.

It is my opinion that the applicants have misconstrued the scope of the Act and that much of what they urge in support of their limited construction of the Act is inconsistent with the intent of Congress embodied in it. However, they correctly note that some of the issues which are raised by the Commission's construction are substantial -- in particular, those that implicate the Due Process Clause. See Martin v. District of Columbia, 205 U.S. 137, 139 (1907) (dictum); Maher v. City of New Orleans, 516 Fed 1051 (5th Cir. 1975), cert pet. pend. Yet, for the reasons which follow, I do not believe that it is necessary to decide all of the issues which they have raised as the Commission's recommendation is based upon unsupported assertions of presumed historical fact.

I

The subject site is comprised of contiguous Lots 285, 286, 833, and 287 in Square 1267, and has been owned by Martin F., Jr. and Elizabeth K. Malarkey, since 1967. The Dodge House, the Malarkey's residence, is located on the last mentioned lot. Apparently, in 1975, the Malarkeys contracted to sell Lots 285, 286 and 833 to Samuel P. Pardee, and thereafter a building permit was sought to permit the construction of single-family residential dwellings on lots 285 and 286, each of which consists of approximately 2,880 square feet. Lot 833 is a two-foot wide strip which borders the western boundary of Lot 285; there is no indication of any plan to develop it. There is no indication that the proposed construction on Lots 285 and 286 does not satisfy the zoning or building codes.

As required by the Act, the building permit application was forwarded to the Commission, on January 14, 1976, by the Permit Branch of the Department of Economic Development. On January 28, 1976, the Commission responded in writing:

> Action: Do not issue permit. Recommend restudy more in character with Georgetown Federal brick townhouses. Suggest Flemish bond on facade and some articulation on each elevation. Recommend simplicity of details to reflect actual early Georgetown residences. Suggest vertical alignment of rear openings.

The applicants revised the plans in accordance with the Commission's recommendation and the application was resubmitted to the Commission on February 23, 1976. The application was returned by the Commission on March 1, 1976, with the following recommendation:

> Recommend against construction of two new row dwellings fronting on Q Street to the west of the existing Dodge House.
>
> The Dodge House is unique, one of the two early examples of Georgetown architecture of this type, still largely intact in its original setting. Conceived as a large freestanding structure in an ample landscape, it ranks as one of the few examples nationally of A.J. Downing and Calvert Vaux's 'picturesque' residences, and as such has more than local significance.
>
> The openness of the surrounding landscape should be preserved and enhanced with carefully selected landscape materials in order to preserve the main house in the best possible setting.

At the request of the applicants, the Commission reconsidered its recommendation and reaffirmed that recommendation on April 5, 1976.

The full explanation of the Commission's action in this case is set forth in the letter of March 25, 1976, from the Commission to Antonin Scalia, Esquire, Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, seeking the advice and counsel of the Attorney General. The letter, in pertinent part, states:

> An application was made to erect two new dwellings on a tract in Square 1267, lots 268-71,* in the Georgetown Historic District. The new construction was adjacent [sic] to an existing dwelling of unique architectural character, and the open space around that building was considered an essential part of its character. However, because of a previous ruling by the Corporation Counsel's

* The subject lots were so designated prior to subdivision.

Office on matters of subdividing open space and its interpretation of our jurisdiction on such questions, the issue of surrounding open space was not addressed in the initial submission made to the Commission and subsequently the application was returned to the District Permit Office with a recommendation confined to changes in the two buildings that would, at least superficially, make them "architecturally" more acceptable.

The plans were modified by the applicant and the District Permit Office resubmitted them to the Commission for its recommendations. The application was considered by the Commission at its meeting on February 26, 1976. As a part of the Commission's consideration, a statement by the Acting Corporation Counsel at a meeting of the Zoning Commission on February 23, saying that the act of subdivision did not automatically grant the right to build, was introduced into the proceedings.

With this opinion in mind, coupled with the Commission's interpretation of the Old Georgetown Act that the law was meant "to preserve and protect the places and areas of historic interest" (see Sec. 2 of Public Law 808), the Commission recommended against construction of the proposed dwellings in toto. A copy of this action is attached . . . .

By a response of May 5, 1976, the Deputy Assistant Attorney General advised the Commission that the Act contemplated that the Commission, in appropriate instances, might recommend a total ban against construction. I, for the following reasons, concur in the substance of that opinion.

II

The Act is a result of Congress' concern that the historical importance of the "Old Georgetown" district of the City, as reflected by its buildings

which were constructed during the early years of the Nation, might fade into oblivion if appropriate measures were not enacted. H.R. Rept. 81-2468, 81st Cong., 2d Sess. (1950). This concern was prompted by the awareness that many of the historic structures in Old Georgetown had been severely neglected, and that the character of the area had been "considerably altered by new rows of ugly Victorian dwellings." Davis, Dorsey and Hall, "Georgetown Houses of the Federal Period (1944), 17, as quoted at 41 Op. A.G. 441, 444 (1960). Congress responded by passing the Act, section 1 of which created the "Old Georgetown" district, and defines its boundaries.

Section 2 of the Act provides:

> In order to promote the general welfare and protect the places and areas of historic interest, exterior architectural features and examples of the type of architecture use in the National Capital in its initial years, the [Mayor] of the District of Columbia, before issuing any permit for the construction, alteration, reconstruction, or razing of any building within said Georgetown district described in section one shall refer the plans to the National Commission on Fine Arts for a report as to the exterior architectural features, height, appearance, color, and texture of the materials of exterior construction which is subject to public view from a public highway. The National Commission on Fine Arts shall report promptly to said * * * [Mayor] of the District of Columbia its recommendations, including such changes, if any, as in the judgment of the Commission are necessary and desirable to preserve the historic value of said Georgetown district. The said * * * [Mayor] shall take such actions as in his judgment are right and proper in the circumstances: .... D.C. Code §5-802.

Thus, in clear and unambiguous terms, the Act reflects the intent of Congress to preserve and protect "Old Georgetown" and, as an incident, thereof, the "exterior architectural features and examples of types of architecture used [there] in [the] initial years" of the City,

The Commission's role under the act is clearly advisory; this, however, is not to say that it is not important to decisions which only the Mayor is authorized to render. For the Act contemplates an informed decision by the Mayor as to what may be "necessary and desirable to preserve the historic value of said Georgetown District.". Ibid.

It is obvious that the character of Georgetown is due in part to the architectural features of its structures, and that much of its architecture is the only real link with the early history of the City. That character can be preserved and protected only for so long as the historical architectural features of the district predominate. A decision to permit construction, which is not in harmony with this hold on the past, obviously would not conform with the intent of Congress that the Mayor "preserve the historic value of said Georgetown District." Therefore, it cannot be said that the Act does not contemplate that the Commission may advise against permitting construction. Accordingly, as you are vested with the authority to grant or deny a construction permit, the Act contemplates that you will seek the expert advice of the Commission "before issuing any permit for the construction ... of any building within said District."

The applicants, to be sure, contend that the Commission may advise against construction only when it appears that the intended external features of the proposed new structure will not conform with the historical character of Old Georgetown. In other words, it is their position that if it cannot be said that these external features would create a lack of harmony then it is not proper for the Commission to recommend against construction, and certainly the Mayor may not refuse to permit construction because of the recommendation. But this argument does not address -- indeed it ignores -- those occasions when it is merely because of the erection of any structure that the character of the District is changes substantially.

Surely, one would not seriously contend that the distance between structures does not affect the character of a community. A community which is noted for its spacious lawns is distinctively different from one which has little if no area devoted to lawns. Nor can it be seriously disputed that the placement of a new structure in relation hip to a pre-existing one can not so change one's perspective with respect to the latter as to completely

affect the influence of the latter on its surroundings area: The Mall would not have the same character that it does if it was not graced by the Capitol and the Lincoln Monument; and if rows of buildings were constructed upon it it would lose all of its present character. Thus, it is my opinion that the Commission may recommend against construction of a new structure.

III

The applicants, through their attorney, the Commission, and the attorney for the "Q Street Preservation Committee" which supports the Commission's recommendation, have aided me considerably by providing written documents in support of their respective contentions, and legal briefs; the most recent communication was received only last month. These documents reflect agreement as to the following facts:

In 1846, Benjamin F. and Salena Miller conveyed parts of lots 254 and 255 and all of lots 264 and 265 in Georgetown Square No. 97 to Francis Dodge. In 1854, Dodge partitioned the property and conveyed lots 264 and 265 to Robert P. Dodge. In the meantime, during the early 1850's, construction of the Dodge House on the site consisting of lots 264 and 265, was commenced and completed. Lots 264 and 265 and a strip of Lot 266 comprise what is now designated as Lot 287.

The Dodge House was designed by Andrew Jackson Downing, undoubtedly one of the most famous and popular architects and landscape designers in the 1840's, who also "was engaged to lay out the grounds of the United States Capitol, the White House and Smithsonian [Institute]." [1/] Downing was assisted by Calvert Vaux, the co-designer of New York's Central Park, whose talents also were highly regarded. Downing died before the structure was completed, and it is Vaux's description of it upon which we must rely. In "Villas and Cottages (1957)," Vaux illustrated the structure, emphasizing its Italianate villa design and describing it as "A Suburban Villa." That illustration confirms that "the exterior has been so altered as to completely hide its

---

1/ Daniel D. Reiff, "Historical American Building Survey," U.S. Commission of Fine Arts, p. 25 (1969) (hereinafter "HABS" or "HABS No. D.C.-246").

original style and form." 2/

The site upon which the structure was constructed, i. e. lots 264 and 265, consisted of approximately 14,000 square feet. It is the Commission's view, set forth at page 5 of its July 9, 1976 letter to you, that the placement of the structure on the site reflects Downing concept that:

> architectural beauty must be considered conjointly with the beauty of the landscape or situation. Buildings of almost every description, and particularly those for the habitation of man, will be considered by the mind of taste, not only as architectural objects of greater or less merit, but as component parts of the general scene... Their effect will frequently be good or bad, not merely as they are excellent or indifferent examples of a certain style of building, but as they are happily or unhappily combined with the adjacent scenery." (Downing, A Treatise on the Theory and Practice of Landscape Gardening, 1855 edition, p. 370).

However, in his Washington Architecture 1791-1861, which the Commission commissioned, Reiff states at pages 128-29:

> Finally, we have already seen the importance of the site [referring to the general architectural ideals of Downing and Vaux], not only to set off the architecture, but also to give greatest pleasure to the (ostensibly) refined occupant. But the Dodge Houses, contrary to the effect achieved in the Vaux engravings,

---

2/ HABS, supra, n. 1, p. 27: "On the outside the hood molds, brackets, canopies, and other Italianate features have been removed, the gable and bull's-eye windows filled in, and the original chimney removed. The Northeast front porch or 'verandah' has been replaced by a two-story porch of large square pillars. The Northwest verandah or porch has been glazed. To the South of the original library a single story wing (with garage under) has been added extending the library about 25'; there is a modern porch at the West of this addition. The front entry porch has now been enclosed and the third story has been raised on the West side. On the inside there has been some repartitioning on the second floor (see C 1 below) and with the exception of the stairs, floors, doors and door moldings the interior has been entirely redecorated. These changes were all done apparently about 1936; the library wing was built in 1930."

> are actually aligned with other houses, and are close to the sidewalks on both sides. This, obviously, prevented any real sense of a natural setting Downing houses demanded, and thus vitiated an important consideration. Though their rear yards may indeed have been laid out in appropriate fashion, the houses were treated anomalously, being placed on the property line like an ordinary row house. . . . The Dodge Houses, then, even if surrounded by skillful planting, would not have shown Downing's art to its best effect.

And in his letter of July 2, 1976, a copy of which the Commission provided you with its letter of July 9, supra, Reiff states:

> The relation of the house to its site is, as I stated in my Washington book, not in conformance with the most developed designs by Downing, and would not thus have provided a strong and unique model for local emulation.

Reiff does state that his comments were intended to convey no more than that the Dodge House is not the "best" of Downing's design, and that he did not take full advantage of the site. However, they are most significant because of his comments in respect to former lot 266 (which has been subdivided into vacant lots 285 and 286).

The applicants contend that lot 266 was not included within the design concept for the Dodge House, noting that it was not conveyed to Dodge until November 1852 (Liber WB 134, Folio 170). Downing died on July 28, 1852, having designed the structure in 1850-51 (Reiff, July 2, 1976, supra); therefore, it appears that only pure conjecture supports the contention that Downing's design was based upon the acquisition of lot 266 -- particularly since, as Reiff has noted, the structure was constructed so close to the street. In other words, the design theories of Downing suggest that if the acquisition of lot 266 had been an integral part of Downing's design then he characteristically would have located the structure closer to that lot. Reiff, supra.

Thus it appears that Downing completed his design of the Dodge House more than a year prior to his death and the acquisition of the property on which the construction of the new dwellings is proposed. His design does not appear to have depended upon the acquisition of the subject lots, nor does it appear that he designed the Dodge House with the expectation that they would be acquired. Thus, I cannot find support for the Commission's assertion in its letter of March 25, 1976 that the subject lots were a part of "the open space around [the] building [that] was considered an essential part of its character." Supra, p.3. Moreover, since the Dodge House cannot be said to represent "Downing's art to its best effect," Reiff, supra, p.9, and "the exterior has been so altered as to completely hide its original style and form," HABS, supra, pp 7-8, the Commission cannot be said to have supported its assertion that the Dodge House is "an existing dwelling of unique architectural character," supra, p.3 -- at least not if this comment was intended to convey the impression that it is a true, existing example of the genius of Downing.

The present owners of the property acquired it in 1967, and seem always to have regarded it as of historical significance. According to their affidavit, when they acquired it "the land area to the rear of the property, including Lots 285 and 286 was in a terrible unkempt state," and they spent almost $8,000 to improve it. It therefore appears that not only were the subject lots not a part of the original design scheme when the house was constructed, and that the exterior style and form of the house is completely different than when it was constructed, but that it is because of its present owners that its landscape is as attractive as it is.[3/] For these reasons, I am of the view that the historical significance of the site is due primarily to the original designers and their design for the location of the Dodge House on lot 287, but is not attributable to lots 285 and 286 as believed by the Commission in making its recommendation. For these reasons, I have concluded that the Commission's recommendation is based upon an erroneous premise, and should not be adopted.

3/ In the affidavit the owners also state: "It is our intention, upon completion of the sale and construction on Lots 285 and 286, to install a formal boxwood garden out of the remaining property (which would be the size of the original yard); and it has been our intention to provide a scenic or facade easement on the total house and original grounds."

Please advise me of your conclusion (in re CCO #1439 and 1599) by striking the inapplicable language below, dating and signing the original of this memorandum, and returning the same to me. (A copy of the memorandum accompanies the original.) I shall inform the interested parties of your decision.

JRR, Jr.

THE PERMIT FOR CONSTRUCTION
ON LOTS 285 AND 286 IN SQUARE 1267
SHALL ~~SHALL NOT~~ ISSUE

Walter E. Washington, Mayor
March 16, 1977

cc: Julian R. Dugas

EXHIBIT C

3 June, 1977

Dear John,

As pleased as we all were to be appart of the lighting design process for Pennsylvania Avenue during our evening meeting on the 23rd of May, 1977, we still do not feel the right balance has been achieved. Though the Commission has no specific objection to the lighting elements being proposed, we feel the proper relationship between the tree lights, the ornamental lights, and the highway-type lights has not yet been reached. Without speculating on refinement or alterations of any one of the specific elements, we feel it is essential to determine whether the proposal meets the high standards demanded for one of the most important locations in the city. As such, we will be happy to continue to work with you through additional mockup schemes that seem desirable to get the best possible results. The Commission has scheduled its next meeting for June 28th and, tentatively, the following meeting for July 29th.

Sincerely yours,

J. Carter Brown
Chairman

Mr. John M. Woodbridge
Executive Director
Pennsylvania Avenue Development
Corporation
Suite 1148, 425 13th Street, N.W.
Washington, D.C. 20004

JCB/DBM:nn

EXHIBIT D

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

708 JACKSON PLACE, N.W.
WASHINGTON

12 April, 1977

Dear Mr. Childs:

The Commission of Fine Arts reviewed the draft National Capital Planning Commission report on District of Columbia boundary markers. In his presentation to the Commission, Mr. Rody pointed out the historical significance of these very special monuments of the Washington plan. The Commission generally approves the concept of protecting them and establishing cornerstone parks and treating the intermediate stones with some degree of protection. We particularly endorse the preservation of the Jones Point Lighthouse and park as one of the elements of the program and hope that the conditions on this site can receive the immediate attention they deserve. Though we realize the Planning Commission recommendations may take some time to implement, the Commission of Fine Arts hopes to assist you with design-related matters as the project moves forward.

Sincerely yours,

J. Carter Brown
Chairman

Hon. David M. Childs
Chairman
National Capital Planning Commission
1325 G Street, N.W.
Washington, D.C. 20576

EXHIBIT E

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

708 JACKSON PLACE, N.W.
WASHINGTON

12 April, 1977

Dear Dr. Reed:

At its April 5, 1977 meeting the Commission of Fine Arts approved designs for the Great Ape House at the National Zoo. The Commission was pleased to see that the design conformed to the guidelines of the master plan and was generally compatible with existing structures and recent new construction at the Zoo. We also noted that the project is sited to preserve the existing oaks and urge that all possible care be taken to protect them during construction.

Sincerely yours,

J. Carter Brown
Chairman

Dr. Theodore H. Reed
Director
National Zoological Park
Washington, D.C. 20009

EXHIBIT F

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

708 JACKSON PLACE, N.W.
WASHINGTON

12 April, 1977

Dear Mr. Denkler:

The Commission of Fine Arts reviewed the proposal to enclose the podium level of the Martin Building with a glass curtain wall during its April 5, 1977 meeting. The Commission was unanimous in its rejection of this concept.

This building was designed and conceived as a particularly monumental, formal architectural statement which has turned out to be a success, enhancing both the monumental core of the capital city and the image of the Federal Reserve. Compromising the strong design of the building by diminishing the integrity of the building's mass raised up on monumental "piloti" or supports would be a loss in architectural quality.

The podium level was designed to recede visually behind the supporting piloti, an effect that would be completely lost with the addition of interior lighting at this location.

It is not only the concept of a glass wall located behind the columns that the Commission rejected, it is also the visual implications of the proposed office space use within. It is easy to envision the office furniture, file cabinets, partitions, and other elements of office use which are normally visible from the outside in such a circumstance intruding at eye level on the beautifully landscaped, monumental grounds surrounding the Federal Reserve buildings. We feel that the potential use compounds the inadvisability of this proposal and should not merit any further consideration.

Sincerely yours,

J. Carter Brown
Chairman

Mr. John M. Denkler
Staff Director
Federal Reserve System
Washington, D.C. 20551

EXHIBIT G

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

708 JACKSON PLACE, N.W.
WASHINGTON

12 April, 1977

Dear Jack,

The Commission of Fine Arts reviewed designs for the south entrance to the West Executive Avenue parking area for the White House at its April 5, 1977 meeting. The Commission feels that any improvement in this vicinity is certainly to be encouraged and we commend the White House and the Park Service for this undertaking. The southwest gate is one of the two major ceremonial entrances to the White House itself, and the presence of an unscreened parking lot so close by has long been a matter of great concern.

The Commission approves the fence, gate, and guardhouse locations as submitted, but does suggest additional study of the landscape screening of parked cars from E Street and the Ellipse. Perhaps additional planting between the parking area and the guardhouses of a symmetrical nature that increases the green space now proposed would be sufficient. In addition, the Commission recommends putting frosted glass in the gate itself to obscure the view of parked vehicles. As you know, this is done frequently in Europe to insure privacy and yet allow some transparency with the ability to screen unsightliness. The Commission and its staff will be happy to work with you to expedite this project, and I assure you our intent is to achieve the best possible solution, from both the security and environmental points of view, for this extremely visible and historic location.

Sincerely yours,

J. Carter Brown
Chairman

Mr. Manus J. Fish, Jr.
Director
National Capital Region
National Park Service
1100 Ohio Drive, S.W.
Washington, D.C. 20242

EXHIBIT H

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

708 JACKSON PLACE, N.W.
WASHINGTON

12 April, 1977

Dear Mr. Culfogienis:

The Commission of Fine Arts reviewed Phase II Development proposals for the Washington Technical Institute during its April 5, 1977 meeting. The Commission is enthusiastic about those parts now completed on the WTI campus. We are also on record approving the master plan, Phase I and Phase II, for this development. We are pleased to forward to you our additional approval and look forward to reviewing this project as it develops over the next few years.

Our one concern, as we expressed to Mr. Milano and Mr. Bryant during our meeting, is the quality of the pavement within the extensive plaza areas proposed for this development. As submitted, these areas would be paved with a non-brick or composition material. We would hope to have the opportunity to review a mockup of the exact proposed materials, preferably on the site. We feel this is the best way to insure that the design standards and the quality of environment for Washington Technical Institute can be upheld to provide the best possible results.

Sincerely yours,

J. Carter Brown
Chairman

Mr. George A. Culfogienis
Project Executive
General Services Administration
Region 3
Washington, D.C. 20407

EXHIBIT I

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

708 JACKSON PLACE, N.W.
WASHINGTON

12 April, 1977

Dear Mr. Chairman:

The Commission of Fine Arts reviewed S. 2, "to require authorizations of new budget authority at least every five years, to provide for review of Government programs every five years, and for other purposes", during its meeting on April 5, 1977. The Commission has no objection to the proposed legislation.

We have been advised that the Office of Management and Budget has no objection to the submission of this report.

Sincerely yours,

J. Carter Brown
Chairman

Hon. Abraham Ribicoff
Chairman
Committee on Government Operations
United States Senate
Washington, D.C. 20510

EXHIBIT J

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

708 JACKSON PLACE, N.W.
WASHINGTON

12 April, 1977

Dear Mr. Chairman:

The Commission of Fine Arts reviewed H.R. 2960, "to authorize the Secretary of the Interior to erect a memorial in honor of the fifty-six signers of the Declaration of Independence in Constitution Gardens in the District of Columbia", at its April 5, 1977 meeting. The Commission has no objection to the proposed legislation. Our hope is that the memorial's location in Constitution Gardens can be a subtle addition to the already successful design of the gardens and may be something no more complex than a simple plaque dedicating the island as the memorial. We look forward to assisting in all design considerations that will ensue after the passage of the bill and will be pleased to discuss the matter with you in the interim.

The Office of Management and Budget has advised us there is no objection to the submission of this report.

Sincerely yours,

J. Carter Brown
Chairman

Hon. Lucien N. Nedzi
Chairman
Subcommittee on Libraries and Memorials
Committee on House Administration
U.S. House of Representatives
Washington, D.C. 20515